ROCHDALE METROPOLITAN BOROUGH COUNCIL

Anti Social Behaviour Policy

1. Policy Statement

The following document sets out the council’s Anti-Social Behaviour (ASB) policy in relation to the delegated management of its council houses and tackling ASB within the private sector (including private rented sector).

Rochdale Metropolitan Borough Council (RMBC) has delegated the management of its’ council houses, including the management of ASB, to its Arms Length Management Organisation, Rochdale Boroughwide Housing.

Rochdale MBC recognises that all residents have a right to the peaceful enjoyment of their home. Equally every resident has the responsibility not to interfere with their neighbour’s right to the peaceful enjoyment of their home.

This policy sets out both the ways in which the Rochdale Boroughwide Housing administers the Council’s ASB Policy through working with its partners and through its own procedures, attitudes and general approach to seek to deliver on this commitment. As well as the way the council administers its private sector protocol and minimum standards.

2. Introduction

Rochdale Council has established the Rochdale Safer Communities Partnership (RSCP) to deal with all forms of ASB. RBH as managing agent for the Council’s housing is a member of this partnership and as such is committed to taking positive action in conjunction with partners, to deal with all forms of ASB.

The policy recognises the relationship between ASB, the demand for housing and the sustainability of neighbourhoods. The policy demonstrates a commitment to proactive actions to combat ASB in the interests of individual residents and communities and consider that such actions have a direct impact on the sustainability of communities and neighbourhoods.

As part of this commitment to tackle nuisance and ASB a dedicated multi-disciplinary team of Legal and Enforcement Officers, has been established to provide a co-ordinated and timely response to these issues.

In tackling Anti Social Behaviour we will make use of the powers, orders and mechanisms contained in legislation and regulations to deal with problems appropriately. We will make use of the powers made available to us through:

- Local Government Act 1972: injunctions to promote the wellbeing of residents of the Borough
- Housing Act 1985 (as amended): possession proceedings
- Housing Act 1996 (as amended): anti-social behaviour injunctions
- Crime and Disorder Act 1998 (as amended): Anti-social behaviour orders
- Police Reform Act 2002 (as amended): Anti-social behaviour orders on conviction
- Anti Social Behaviour Act 2003: demoted tenancies
- Local Criminal Justice Bill
• Housing Act 2004

We recognise that the causes and effects of ASB are wide ranging and varied and can affect all members of the community. We will therefore always seek to work in partnership with other agencies to ensure that all the measures available are used effectively to tackle ASB problems, regardless of who owns the property. Our partners include:

• Police
• Community Safety
• Youth Offending Team
• Drug Action Team
• Environmental Health
• Strategic Housing
• Fire Service
• Victim Support
• Education Services
• Social Services
• Children and Young Adults Mental Health Service (CAMHS)
• Rochdale Primary Health Care Trust
• Rochdale Federation of Tenants and Residents Associations
• All other Social Landlords and Private Landlords
• Public Protection Unit
• Rochdale Housing Initiative

The policy will also ensure that our policy and procedures comply with and compliment the Council’s strategic objectives and in particular, will have regard to and play a part in the delivery of the RSCP Anti-Social behaviour strategy.

The policy will have regard to the Council’s Housing Strategy and in particular the impact that this policy has on achieving the strategic housing aim of creating sustainable neighbourhoods.

The policy will also have regard to RMBC’s wider obligations, including the prevention of Homelessness, the protection of children and young people and the care of vulnerable people.

The policy recognises and actively promotes diversity within the community and will therefore; ensure that when taking any action it will consider the needs of disadvantaged groups.

The policy will always seek to ensure that everyone has equal access to the services available, regardless of who owns their home.

The policy recognises the rights of individuals to a fair hearing and that there should be a presumption of innocence until the facts about any complaint of ASB have been established.

The Policy and the accompanying procedures will be reviewed at least bi-annually, in consultation with all relevant stakeholders.
3. **Definitions**

It is helpful to establish what constitutes conduct which can amount to ASB.

‘*Behaviour that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as (the perpetrator).*’

Behaviours that are classed as ASB by the British Crime Survey include:

- Vandalism, graffiti and other deliberate damage to property
- Noisy neighbours or loud parties
- People being drunk or rowdy in public places
- People using or dealing drugs
- Teenagers hanging around on the streets
- Rubbish or litter lying around
- Abandoned or burnt out cars

Other ASB’s include:

- Aggressive Begging
- Prostitution
- Setting of fireworks late at night
- Uncontrolled pets and animals
- Trespassing

As is apparent from the above list, not all ASB behaviour is criminal. That is not to play down the effect ASB can have on people’s lives but instead to create an awareness of this issue when trying to find solutions to the problem.

4. **Putting the Policy in Context**

This Policy exists in the context of both National legislation and Local Strategies and Policies. The Policy has been prepared in order to take account of and to provide consistency with obligations imposed by legislation and other relevant Policies in this area. The following have been identified and taken into account in the preparation of this Policy in order to inform the content of the Policy and procedure and to ensure compatibility. These consist of:

**Children and Young Persons Act 2008**
By virtue of section 17 of the Act every local authority has a general duty to safeguard and promote the welfare of children in need in their area. By section 27 a local authority may ask a housing authority to assist it in the exercise of these functions and the housing authority shall assist if it can do so consistently with its own duties. The local authority Community Safety Team will ensure all corporate safeguarding procedures are followed.

**Crime and Disorder Act 1998**
This Act contains many relevant provisions but the overriding duty imposed upon Local Authorities by section 17 to have regard in all its actions to the prevention of crime and disorder is of fundamental importance to the Safer Communities Partnership and Community Safety Service.

**Anti-Social Behaviour Act 2003**

* Currently under review
This act further increases the power available to local authorities to be able to tackle ASB.

**Homelessness Act 2002**
The Homelessness Act places a duty on the local housing authority to work together with its statutory partners to prevent homelessness. This obligation will inform the policy both in relation to the actions which may be attempted to remedy ASB before a possession order will be sought and in relation to the action which will be taken to combat behaviour which might otherwise drive residents from their homes.

**Disability Discrimination Act 2005**
By virtue of this Act it is unlawful to discriminate against a disabled person by evicting him or subjecting him to any other detriment.

**Human Rights Act 1998**
This Act defines basic human rights and protects these rights from abuse. Particularly relevant is the fundamental right to respect for private and family life and the home which must not be interfered with unless the interference is in accordance with the law and necessary for the protection of public safety or prevention of crime and disorder.

**Race Relations Act 1976**
Section 71 imposes a duty on local authorities to have regard to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between people of different racial groups in the way in which it carries out its functions.

**“Pride of Place” Community Strategy for Rochdale Borough 2007 – 2010**
Sets out the local strategic partnerships vision and aims for the borough in 2021 shows what needs to be done, when it will be done by and who is responsible for making it happen. It contains specific aims for the reduction of crime, drug misuse and neighbourhood problems.

**“Delivering Change” Rochdale Borough Council’s Housing Strategy 2006-2010**
This sets out the Council’s Strategic Aims in relation to Housing within the Borough. In addition to improving the quality and choice of accommodation on offer the Strategy seeks to improve the quality of life for residents in the borough by creating sustainable neighbourhoods. This involves taking appropriate action against anti-social behaviour. It also aims to meet the needs of vulnerable people, which can involve the prevention of anti-social behaviour by supporting individuals with chaotic lifestyles.

**RMBC Private Sector Housing Renewal Review and Strategy Report 2007**
This report presents Rochdale Metropolitan Borough Council’s plans for improving the quality of the district’s private sector housing stock. It identifies priorities for action and sets out how the Private Sector Housing Team and other partners intend to deliver decent quality housing for all of Rochdale’s residents living in private sector housing.

**Safer Communities Plan 2008-2011**
Setting out strategies and structures for tackling crime and disorder throughout the Borough.
Rochdale Safer Communities Partnership Anti-Social Behaviour Strategy 2010-2014
Designed to provide a balanced and co-ordinated approach to the prevention, identification and rectification of anti-social behaviour throughout the Borough of Rochdale.

The Drug and Alcohol Team
Have a number of strategic plans which directly or indirectly impact upon ASB, these include:

- Alcohol Strategy (National and local)
- Drug Strategy (National)
- Young persons substance misuse plan (local)
- Drug & Alcohol Priority Action Plan

Rochdale Boroughwide Housing Tenant Participation Strategy 2011
Sets out how RBH works with its tenants individually or collectively. It provides explicitly that RBH will consult with tenants on ASB Policies and sets standards for the nature and quality of consultation.

Equality and Diversity Policy “No Matter Who”
Designed to ensure that no-one receives less favourable treatment because of race, ethnic origin, nationality, religion, cultural background, sex, sexuality, disability, domestic circumstances, illness, age, employment status, membership of trade unions or political beliefs. This Policy represents the commitment of Rochdale Boroughwide Housing to deliver this Equality Policy in the context of ASB enforcement. We will commit to:

- Eliminate unlawful discrimination and harassment
- Promote good relations between persons of different racial and ethnic groups
- Maximise the reporting of racial incidents
- Support complainants and their families
- Take action against perpetrators

Rochdale Metropolitan Borough Council Housing Allocations Policy
The allocations policy will take account of applicant’s record of committing Anti-social Behaviour and recorded instances of responsibility for ASB may lead to the Company refusing to allocate housing or making an allocation on conditions.

A borough-wide strategy that intends to further promote and develop over the next three years a co-ordinated and effective approach to preventing and tackling domestic violence across the borough.

RMBC: Private Sector ASB Policy
The Council’s policy for dealing with ASB in the private sector. It outlines how the council will work with private landlords to target ASB in privately rented households.

5. Our Approach

For tenants of RBH, housing associations, homeowners or private tenants the council will work in conjunction with these organisations to deal with all forms of ASB. We will investigate complaints and then deal with issues as outlined in the previously agreed minimum standards:
When a Complaint is Received

Your Local Housing Office or the council's ASB team will:

- Confirm the details of what has happened with you and tell you the name of the officer who will work on your case and keep you informed of progress.
- Carry out the initial assessment of your complaint and assign it to a priority response level.
- Contact you to agree a plan of action to deal with the anti-social behaviour within 1, 2 or 5 working days, depending on the priority level assigned.
- Give you advice and support in resolving the issue yourself if you feel able to.
- Carry out an investigation into your complaint on your behalf.
- With your consent, share your information with other agencies who may be able to help with resolving the issues.
- Help you to gather evidence to prove anti-social behaviour has occurred and give you diary sheets to record details of further incidents.
- In some cases, arrange and fit extra security measures to your home and offer personal protection measures (like panic alarms) when it is necessary.
- Arrange the removal of any abusive, obscene or threatening graffiti.
- Provide, or organise emotional and practical support for you throughout the case.
- Take action to tackle the behaviour if there is evidence.
- Keep you informed of progress and monitor your satisfaction with the way we have dealt with your case.

During Investigation/Building a Case

Where we can, and with enough evidence, we'll always seek to take enforcement action against those people making life miserable for victims and communities. Our legal officers will:

- Carry out more detailed investigations into the most serious cases.
- Identify the full range of legal and other action that might be taken against the individuals or group causing the problem.
- Prepare and present court cases.
- Keep you informed about progress with the case and provide you with the updates (within timescales agreed by you).
- Contact you via telephone e-mail, text, letter, or in person by agreement with you.
- Support witnesses and complainants reporting ASB.
- Offer to transport and escort you to and from any court hearings.
- Offer you a tour of the court that you are attending prior to any hearing.
- Offer you the use of a private room (subject to availability) while at court.
- Monitor those people who have had warning letters, have signed contracts about acceptable behaviour, or who have been given a court order because of their ASB.
- Monitor your satisfaction with the way we've dealt with your case.

Use of Available Measures

A detailed set of procedures has been developed in conjunction with this policy. The procedures outline the type of actions that can be taken and the likely timescales for such actions.
The actions, which include fast track responses in serious cases, are incremental in nature, with the emphasis being on bringing about real changes and improvements in behaviour of those who commit ASB.

However, if there is no change and/or improvement in the behaviour we will have no hesitation in taking any appropriate further action.

In conjunction with our partners, we will use a wide range of measures that are available to us. These include:

- Approaching the perpetrator and discussing the problem behaviour
- Warning letters
- Formal Warnings/Cautions
- Acceptable Behaviour Contracts
- Parental Control Agreements
- Parenting Orders
- Environmental Health Action for Statutory Nuisance (e.g Noise Abatement Notices)
- Undertakings
- Injunctions
- Anti-Social Behaviour Orders (ASBO)
- Possession Proceedings
- Dispersal Orders via the Police
- Closure of Premises Orders via the Police and/or Environmental Health
- Individual Support Order (ISO)
- Intervention Order (DIO)
- Crack House Closure Order
- Brothel Closure Order
- Designated Public Place Order
- Special Interim Management Orders
- Gating Order
- Dog Control Order
- Litter Clearing Notice
- Graffiti/Defacement Removal Notice
- Direction to leave

This is not an exhaustive list and we will always work with our partners to look at the whole range of options available to us.

6. Support of Witnesses and Complainants

We recognise the important role our complaints and witnesses play in assisting us to tackle ASB problems. The success of any action to deal with a problem is often dependent on the participation of the witnesses involved. We recognise that a demonstrable record of success in dealing with ASB cases is fundamental to building confidence and trust in witnesses.

Having ensured that witnesses have the confidence to come forward with complaints we will ensure that that confidence is maintained by dealing with their complaint promptly, keeping them informed about action taken and providing support where this is appropriate or ensuring that support is provided by other agencies.
We have developed a set of minimum standards that we will fulfil when responding to complaints of ASB. Complaints will be categorised into three levels: high priority, medium priority, and standard priority. For a standard priority complaint, which will typically concern ASB issues such as environmental crimes and nuisance we will contact you within five working days. For a medium priority, which will typically concern ASB causing disruption, damage to property or possessions we will contact you within two working days. For a high priority complaint, which will typically be reports of serious ASB involving violent acts, threats of violence or hate crime we will contact you within one working day.

7. Improvement of ASB, Rehabilitation of Perpetrators and Support for the vulnerable

When tackling ASB the overall aim of the council and its partners is to challenge the unacceptable behaviour and bring about real changes, without recourse to legal action wherever possible. If perpetrators can be deterred or prevented from ASB this is preferable to having to deal with the consequences of their behaviour.

Opportunities to prevent ASB from arising will be taken whenever and wherever they arise. We will have regard to the need to prevent and deter ASB in all aspects of its work. This may be by the provision of alternative or diversionary activities or by the design and development of the environment so as to improve security and discourage ASB. Where perpetrators of ASB show a willingness to address the underlying causes of their conduct we will offer them assistance and support in this.

These considerations are particularly important when dealing with perpetrators who are vulnerable by reason of one or more of the following factors:
- Drug abuse
- Alcohol abuse
- Mental health issues
- Disability

Young people may also be considered to be vulnerable by reason of their youth or home and family circumstances. Experience shows that contrary to popular belief such tenants and residents are more likely to be the subject of ASB than to be the perpetrators.

We will engage with a wide range of processes and agencies to ensure that support, prevention and rehabilitation is offered appropriately to each case.

However, when dealing with all cases of ASB, the needs of the community will always be our primary concern. Therefore, if interventions have been tried and failed or are considered inappropriate we will seek to resolve the problem through taking enforcement action as outlined above.

8. Prevention and Publicity.

a) The Council and its partners will work with other agencies to map Hate Crimes to detect trends and identify ‘hot spots’.

b) We will use ‘target hardening’ measuring and provide additional security measures where appropriate (with the help of the Strategic Housing and housing providers) to protect vulnerable tenants in their homes.
c) We will distribute ASBO leaflets to communities informing of the purposes and practicalities of the ASBO in reducing ASB in their area.


a) The Safer Communities Partnership (SCP) will use *Without Notice Injunctions* to protect victims and witnesses in every situation, where threats of violence are made against them by identifiable perpetrators.

b) The SCP will take initial action (completing a reporting from, ordering the necessary repairs arising from Hate Crime etc) within 24 hours of receiving the complaint.

c) The SCP will consider using the full range of civil and legal remedies against perpetrators, including injunctions, anti-social behaviour orders, proceedings, when dealing with Hate Crime.

d) Where appropriate RBH and other housing providers will initiate legal action for breach of tenancy conditions.

e) For private tenants the council will work with landlords and their legal and enforcement team to address ASB.

10. Multi Agency Working

**Police Liaison Meetings**
Officers from the SCP meet once each month with the Township Inspectors for each of the four township Policing areas in Rochdale. At the Police Liaison Meetings specific problems are discussed, trends are identified and a planned response is agreed according to which agency has the most appropriate means of response.

**Case Intervention Group**
Agencies will refer perpetrators of anti-social behaviour to the Case Intervention Group which is a meeting organised by the Community Safety Department to coordinate and organise the intervention in cases of ASB.

**Multi-Agency Racial Harassment Forum**
The SCP stakeholder will continue to contribute to the work of and sit on this panel which coordinates responses to incidents of racial harassment and takes a strategic overview of race issues.

**ASBO Threshold Panel**
The SCP will continue to administer the Threshold Panel, a body set up to conduct the statutory consultation required prior to making any application for an ASBO and which is a primary opportunity for investigation with other interested agencies as to whether they have any potential for intervention in ASB cases.

**Anti-Social Behaviour Risk Assessment Conference (ASBRAC)**
Community Safety will coordinate and administer the ASBRAC, which is an intervention that combines risk assessment and a multi-agency approach to victims of ASB.

**Partnership Business Group (PBG)**
This is a multi-agency action group. It meets every six weeks and is designed to deliver timely and effective responses to tackle new and emerging crime and disorder.
issues outside of the scope of the strategic priority group’s annual action plans. The PBG uses a mix of professional crime mapping, analysis and intelligence management to inform implementation of rapid responses to problems in ‘hot-spot’ areas.

**Tactical Tasking Groups (TTG’s)**
Each Township has a Tactical Tasking Group which is integral to the Partnership’s structure. Meeting every six weeks and on an as required basis to tackle priorities; they operate as a multi agency sub group of the Rochdale Safer Communities Partnership (RSCP) under the strategic and operational direction of the Partnership Business Group (PBG)

**11. Data Protection, Information Exchange and Confidentiality**

We will, where appropriate, share information with our partners (such as the Police) for the purposes of prevention and detection of Crime and Disorder (C&D Act 1998).

We have entered into an Information Sharing Protocol with Greater Manchester Police and other bodies which provides for the exchange of information within the parameters of the Act. A further wider protocol is in the process of being concluded. All information will only be shared in line with the Information Sharing Protocol.

Confidentiality is a fundamental element in developing a relationship of trust with Complainants. We guarantee that, within the law, any information given to us will not be disclosed to any other party or agency without their consent.

We understand that this is particularly important so far as disclosure of complaints to the perpetrator is concerned. We understand the fear of retaliation which complainants experience and we undertake to respect the complainants wishes about what is disclosed and to whom.

We guarantee to complainants that they can specify what level of disclosure we may make of the information they give to us:

- If they give us information but do not want us to disclose it we will guarantee that we will not do so.
- If they give us information and agree that we may disclose it, but not disclose their identity as the informant then we will guarantee that we will not disclose their identity.

In this way complainants can speak to us with the confidence that their complaints will go no further unless they have explicitly agreed.

**12. Training our staff**

To ensure that we are able to fulfil all our commitments outlined in this policy, we will provide a comprehensive training programme to our staff.

The training programme will ensure all staff:

- Are aware of the issues surrounding ASB, Harassment and Hate Incidents
- Understand the legislation surrounding ASB, Harassment and Hate Incidents and the powers available to us
• Understand the importance of dealing with such problems promptly
• Are able to record details of reported incidents fully and accurately
• Understand the need to pass the details to the appropriate member of staff promptly
• Are able to provide the complainant with practical information, advice and support
• Are fully aware of the need to treat the complaint sensitively and confidentially.
• Understand and are sensitive to issues of diversity.

• It will also ensure that staff who are responsible for investigating reports of ASB:
  • Are able to effectively prioritise complaints and deal with them appropriately
  • Understand the need to act promptly and fully investigate a complaint
  • Are aware of all the options available to them and are able to use these to deliver an effective, proportionate and timely response to problems.
  • Are aware of the options available to support victims and witnesses and are able to utilise these effectively.

We will also strive to raise awareness of the issues surrounding ASB across Rochdale by providing training and participating in briefing events with Tenants and Residents Groups, Councillors, Greater Manchester Police and other agencies/departments as may be required.

13. Protecting our Staff

Our staff is at the forefront of our service. It is acknowledged that they are frequently asked to deal with people who are under pressure and in stressful circumstances. They will always deal with such situations in a patient tactful and diplomatic manner. Nevertheless it is unfortunately the case that they occasionally face behaviour which exceeds anything which they might reasonably be expected to endure. In these circumstances we will not hesitate to take action to protect our staff. We consider that verbal and physical threats, foul and abusive language or behaviour, damage to property and above all physical violence are unacceptable and will be met by an appropriate level of response. At a lower level such behaviour will be met by a ban from the relevant office. At more serious levels such conduct on the part of tenants will constitute a breach of the tenancy agreement and will be met by Injunction proceedings to enforce the tenancy terms where this is necessary to protect a member of staff. In the case of such conduct by non-tenants Injunctions under Section 153A Housing Act 1996 will be deployed in order to control such conduct.

A Final Word

This policy has been approved in consultation with the key stakeholders within the safer communities partnership and elected members. The policy will be reviewed on a three yearly basis in line with the local authorities Anti-Social Behaviour Strategy and minimum standards. If you have any further questions or require further information please contact Kylie Thornton on 01706 924691 or kylie.thornton@rochdale.gov.uk.